

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN YIN,

Defendant/Judgment Debtor,

and

T. ROWE PRICE,

Garnishee.

NO. 2:17-CV-01284-JLR

(17-mc-59-RSL)
(16-cr-314-RAJ)

**United States' Motion for
Extension of Time to File
Reply Brief**

**Note on Motion Calendar:
September 28, 2017**

Plaintiff United States of America moves to extend by three business days the deadline for its Reply Brief in support of its Motion for Continuing Garnishee Order [doc. no. 7]. Good cause supports the United States' requested extension, as follows:

1. On August 24, 2017, the Court renoted the United States' Motion for Continuing Garnishee Order to Friday, September 29, 2017.
2. Under Local Civil Rule 7(d)(3), Mr. Yin's Response Brief was therefore due Monday, September 25, 2017.

- 1 3. Mr. Yin's *pro se* Response reached the Clerk of Court on September
2 27, 2017, as indicated by the Clerk's date stamp. Doc. no. 14.
- 3 4. Counsel for the United States first received notice of Mr. Yin's
4 Response during the afternoon of Thursday, September 28, 2017, via
5 the Court's Electronic Case Filing system. Doc. no. 14.
- 6 5. In light of the late notice of Mr. Yin's Response, counsel for the
7 United States requires more than one day to prepare and file a Reply
8 Brief, which is currently due Friday, September 29, 2017 (the noting
9 date). See Local Civil Rule 7(d)(3).
- 10 6. Counsel for the United States spoke by telephone with counsel for
11 Mr. Yin, Kirk Davis, on the afternoon of Thursday, September 28,
12 2017, to request Mr. Davis's consent to an extension of the United
13 States' Reply Brief deadline to Wednesday, October 4, 2017.
- 14 7. Mr. Davis told counsel for the United States that he would no longer
15 be representing Mr. Yin in this matter due to Mr. Yin's *pro se*
16 Response Brief [doc. no. 14]. Accordingly, Mr. Davis said he could
17 not consent on Mr. Yin's behalf.
- 18 8. Counsel for the United States is unable to contact Mr. Yin in a timely
19 fashion because Mr. Yin is incarcerated.
- 20 9. A short extension of three business days, through and including
21 Wednesday, October 4, 2017, is reasonable under the circumstances
22 and provides counsel for the United States four business days to
23
24
25
26
27
28

1 prepare the Reply Brief, *i.e.*, the amount of time contemplated by
2 Local Civil Rule 7(d)(3).

3 For all the foregoing reasons, the United States requests that the Court
4 enter the attached Proposed Order, extending the deadline for the United
5 States' Reply Brief to October 4, 2017.
6

7 DATED this 28th day of September 2017.

8 Respectfully submitted,

9 ANNETTE L. HAYES
10 United States Attorney

11 s/ Kyle A. Forsyth
12 KYLE A. FORSYTH, WSBA # 34609
13 Assistant United States Attorney
14 United States Attorney's Office
15 700 Stewart Street, Suite 5220
16 Seattle, Washington 98101-1271
17 Phone: (206) 553-7970
18 Fax: (206) 553-4067
19 E-mail: Kyle.Forsyth@usdoj.gov
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that I am a Paralegal Specialist in the office of the United States Attorney for the Western District of Washington, and am a person of such age and discretion as to be competent to serve papers.

I certify that on September 28, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the attorney(s) of record for the parties:

Kirk C. Davis kirk@kirkdavislaw.com

Attorney of Record for Defendant/Judgment Debtor John Yin

That on September 28, 2017, I caused copies of the foregoing "United States' Response to Defendant/Judgment Debtor's Request for Hearing and Exemption Claims" to be delivered to the Garnishee, T. Rowe Price, and to Defendant/Judgment Debtor John Yin, by placing an envelope containing said documents into the United States Mail, postage prepaid, by First Class Mail, addressed as follows:

T. Rowe Price
Attn: Legal Department
P.O. Box 17302
Baltimore, MD 21297

Legal Mail – Open in Presence of the Inmate
John Yin, Register No. 48095-086,
FDC, SeaTac
Federal Detention Center
P.O. Box 13900, Seattle, WA 98198

1 DATED this 28th day of September 2017.

2 s/ Dawn H. Fernandez
3 Dawn H. Fernandez, Paralegal
4 United States Attorney's Office
5 700 Stewart Street, Suite 5220
6 Seattle, Washington 98101
7 Telephone: (206) 553-4308
8 Facsimile: (206) 553-4073
9 E-mail: dawn.fernandez@usdoj.gov
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN YIN,

Defendant/Judgment Debtor,

and

T. ROWE PRICE,

Garnishee.

NO. 2:17-CV-01284-JLR

(17-mc-59-RSL)

(16-cr-314-RAJ)

~~Proposed~~ Order Granting
United States' Motion for
Extension of Time to File
Reply Brief



Plaintiff United States of America moved to extend by three business days the deadline for its Reply Brief in support of its Motion for Continuing Garnishee Order. For the reasons stated in the United States' Motion, the Court finds that good cause supports the requested extension.

//

//

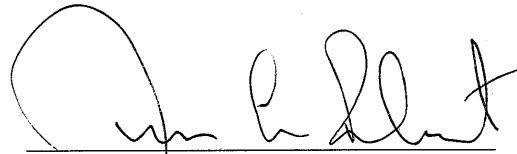
//

//

1 Accordingly, the deadline for filing the United States' Reply Brief in
2 support of its Motion for Continuing Garnishee Order is extended to and
3 including, Wednesday, October 4, 2017.
4

5 It is so ordered.

6 Dated: September th 29, 2017

7
8 
9
10 Hon. James L. Robart
United States District Court

11 Presented by:

12 s/ Kyle A. Forsyth
13 Kyle A. Forsyth, WSBA #34609
14 Assistant United States Attorney
15
16
17
18
19
20
21
22
23
24
25
26
27
28